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06-CV-01790-ORD

02
03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

05 MARCUS ALEXANDER POST,) CASE NO. C06-1790-MJP
06)
06 Pctitioner,)
07)
07 v.) ORDER OF DISMISSAL
08)
08 ALBERTO R. GONZALES, et al.,)
09)
09 Respondents.)
10)

11 The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition (Dkt. No. 4), all papers
12 and exhibits in support and in opposition to that petition, the Report and Recommendation of the
13 Honorable Mary Alice Theiler, United States Magistrate Judge (Dkt. No. 17), Petitioner's
14 objections (Dkt. No. 18), and the remaining record, does hereby find and ORDER:

- 15 (1) The Court adopts the Report and Recommendation;
- 16 (2) Pctitioner has not stated a viable claim for indefinite detention under Zadvydas v.
17 Davis, 533 U.S. 678, 701 (2001), nor has he objected to Magistrate Judge
18 Theiler's Zadvydas analysis.
- 19 (3) Pctitioner challenges the lawfulness of his removal. Under the REAL ID Act, the
20 Court does not have jurisdiction to consider the lawfulness of Petitioner's
21 removal. See 8 U.S.C. § 1252(a)(5).
- 22 (4) Therefore, Pctitioner's § 2241 petition is DENIED; respondents' motion to

01 dismiss (Dkt. No. 12) is GRANTED, and this action is DISMISSED with
02 prejudice; and

03 (5) The Clerk is directed to send copies of this Order to the parties and to Judge
04 Theiler.

05 DATED this 15th day of August, 2007.

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08 Marsha J. Pechman
09 United States District Judge
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